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C O N F I D E N T I A L SECTION 01 OF 02 PRETORIA 000966

SENSITIVE
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DEPT FOR AF/S

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TAGS: [PREL](#) [KDEM](#) [KHUM](#) [ZI](#)
SUBJECT: MDC LEADER ALLEGEDLY RETURNING TO HARARE

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Classified By: Charge d'Affaires Perry Ball. Reasons 1.4(b) and (d).

¶1. (C) SUMMARY. After traveling for most of the past month, MDC Leader Morgan Tsvangirai will finally return to Harare on 10 May to address the nation, lay out signposts, and start a "victory/campaign" tour, according to Institute for Democracy in South Africa analyst Sydney Masamvu and a British diplomat. Masamvu believes MDC will participate in a run-off and that Tsvangirai's return is intended to recapture some of the momentum lost during the absence of almost the entire MDC leadership. As for when a run-off will occur, Masamvu believes that the ruling party cannot afford to drag it out too long because of current economic conditions, adding that most believe it will occur within 30 to 40 days. However, another IDASA analyst pointed out that Zimbabwe's electoral law can easily be manipulated for political ends, making a run-off date impossible to predict within any legal framework. END SUMMARY.

TSVANGIRAI TO RETURN TO HARARE

¶2. (C) PolOff on 07 May attended a Zimbabwe political briefing at the Institute for Democracy in South Africa (IDASA), during which panelists spoke about the current electoral crisis in Zimbabwe. IDASA analyst Sydney Masamvu opened the session by saying that MDC Leader Morgan Tsvangirai will return to Harare on Saturday 10 May, which was later confirmed to PolOff by MDC Advisor Kathi Walther (protect). Tsvangirai will arrive at the airport mid-day and will be greeted by all MDC parliamentarians. Masamvu said that Tsvangirai will address the nation on Saturday as well, laying out "signposts." A British diplomat sitting next to PolOff said Tsvangirai will soon thereafter embark on "a victory/campaign tour" in a 500-vehicle convoy throughout the entire country. Masamvu also said that the MDC will "convene a parliamentary caucus to outline their agenda on Friday, 9 May," however Walther later told PolOff that this is likely to be delayed. Masamvu also noted that the two MDC factions are united only in Parliament. A total reunification of the party will occur in 12 months. Several contacts have told PolOff that Tsvangirai has no interest in joining forces with Simba Makoni.

¶3. (SBU) Many audience members asked if Tsvangirai is concerned about his security, especially given the most

recent press reports noting that "snipers" were in Harare set to kill Tsvangirai, or being arrested. Masamvu said that Tsvangirai is not afraid of being arrested on treason since documents used to accuse Tsvangirai have since been proven false. He also said that SADC leaders have assured Tsvangirai not to worry, though Masamvu admitted that he does not know how SADC can guarantee Tsvangirai's safety. A Swedish aid officer worried that Tsvangirai could be arrested under Section 31 of the Zimbabwean criminal code, which states that one can be arrested for making a false statement that can cause disorder. "Morgan or Tendai announcing they won by 50.3% would qualify," he warned.

NO LEGAL TIME CONSTRAINTS ON RUN-OFF

¶4. (SBU) According to another IDASA analyst, Derek Matyszak, Q4. (SBU) According to another IDASA analyst, Derek Matyszak, Zimbabwe's electoral law is poorly drafted and contains several contradictory, improbable, and unconstitutional provisions, which have been exploited for political ends. Matyszak believes the ZEC's behavior during the first election almost guarantees that they will not be impartial in a run-off, while Masamvu believes that electoral results will now forever be contested, even if they are accurate, because of the ZEC's behavior.

¶5. (SBU) As for a run-off date, Matyszak argued that Mugabe can legally choose any date he wants for a run-off, despite the electoral provision that a run-off election be held within 21 days. According to the regulatory powers of the electoral commission in Section 192 of the Electoral Act, there are "statutory instruments that provide for altering any period specified in this (electoral) Act within which anything connected with, arising out of, or resulting from

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any election must be done." In other words, ZEC can theoretically set any date, which will then be approved by the Justice Minister (who is appointed by Mugabe). Masamvu believes, however, that the run-off will be sooner rather than later, given the current economic conditions in the country. He said that ZANU has estimated a run-off will cost roughly USD 60 million, and the government is already having difficulty paying civil servants. Masamvu believes that as of 06 May most people are looking at a 30-40 day timeline as of yesterday.

¶6. (SBU) Masamvu also stated that Mugabe's campaign in a run-off is being run by the military, not party officials. He said the CDF Commander and Police Commissioner are currently pushing for Mugabe to remain President for another six months, then would like Emmerson Mnangagwa (currently running the head of Joint Operations Center) to take over as President. Masamvu said the army commander and head of intelligence (names not given) are "pushing for change."
BALL